

EVENT VIOLATION
INSPECTOR'S STATEMENT
MINERALS REGULATORY PROGRAM

Company/Mine: Front Gate Properties, Bluffdale Mountain Homes CO # MC-2005-03-01-01
Permit #: M/035/022 Violation # 1 of 1

SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation.** Mark and explain each event.

- | | | |
|-------------------------------------|----|--|
| <input type="checkbox"/> | a. | Activity outside the approved permit area. |
| <input checked="" type="checkbox"/> | b. | Injury to the public (public safety). |
| <input checked="" type="checkbox"/> | c. | Damage to property. |
| <input checked="" type="checkbox"/> | d. | Conducting activities without appropriate approvals. |
| <input type="checkbox"/> | e. | Environmental harm. |
| <input type="checkbox"/> | f. | Water pollution. |
| <input checked="" type="checkbox"/> | g. | Loss of reclamation/revegetation potential. |
| <input type="checkbox"/> | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/> | i. | No event occurred as a result of the violation. |
| <input type="checkbox"/> | j. | Other. |

Explanation: The operator had mined certain areas and disturbed these areas without first filing a Notice of Intention (NOI).

2. Has the event or damage occurred? Yes.
If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: An area has been disturbed by mining operations, but there was probably little danger to the public.

3. Did any damage occur as a result of the violation? Yes.

4. If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: I believe the damage is mostly confined to the land on which mining operations have occurred, but some sediment may have left the area. I do not know the acreage that has

been disturbed by mining, but it is fairly substantial--perhaps 100 acres or more. Vegetation has been removed from the mining area, and it has been terraced so that it does not match surrounding topography. Topsoil has not been salvaged, so there is a loss of reclamation potential.

B. DEGREE OF FAULT (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: The operator did not know it was necessary to submit an NOI.

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

- ☐ Was the operator in violation of a specific permit condition?

Explanation: _____

- ☐ Has DOGM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: _____

Was any economic benefit gained by the operator for failure to comply? I am not certain (see below)

If yes explain.

Explanation: The operator mined rock without first filing an NOI, and although some of this rock has been hauled away by people intending to use it as landscape rock, I am not certain whether they have had to pay for the rock. I assume they have been paying and that the operator is deriving an economic benefit. The operator indicated some of the rock will eventually be

crushed and used as road base in a housing development. Therefore, while the operator intends to derive an economic benefit from this rock, that benefit has not yet been realized.

GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: The cessation order has not yet been abated.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: No on site activity was required.

3. Was the submission of plans prior to physical activity required by this NOV / CO? Yes. If yes, explain.

Explanation: The operator has been required to submit an NOI, but this has not yet occurred.

Paul B. Baker
Authorized Representative

P B Baker
Signature

4/2/05
Date